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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY GEORGE ALLEN, :
Plaintiff, :
: :
- v - : Civil Action No.05-31 (Erie)
: :
UNITED STATES OF AMERICA, :
Defendant. :
:

DECLARATION OF JOYCE HORIKAWA

I, Joyce M. Horikawa, make the following declaration under penalty of perjury:

1. I am a Senior Attorney Advisor, employed by the United States Department of Justice, Federal Bureau of Prisons, at the Northeast Regional Office in Philadelphia, Pennsylvania. I have been employed in this position since approximately April 8, 2001. Pursuant to my official duties, I have access to most records maintained in the ordinary course of business at the Federal Bureau of Prisons Northeast Regional Office, including all records maintained on the Bureau of Prisons computerized data base.

2. It is my understanding that Anthony George Allen, Register Number 40428-053, a federal inmate incarcerated at the Federal Correctional Institution, McKean, Pennsylvania (FCI McKean), has filed a civil action in the United States District Court for the Western District of Pennsylvania, alleging he was negligently exposed to environmental tobacco smoke (ETS), in violation of prison rules and regulations.

3. Attached hereto, please find true and correct copies of the following documents that are maintained in the ordinary course of business at the Northeast Regional Office of the Federal Bureau of Prisons:

- a. Administrative Tort Claim No. TRT-NER-2004-01997;
- b. Memorandum dated July 27, 2004; and
- c. Public Information Data of Anthony George Allen, Reg. No. 40428-053.

I declare the foregoing is true and correct to the best of my knowledge and belief,
and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 5th day of July, 2005.



Joyce M. Horikawa
Senior Attorney Advisor
Federal Bureau of Prisons
Northeast Regional Office
Philadelphia, PA